

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

JOSEPH DAVIS,

Plaintiff,

v.

STEPHEN NARRON,

Defendant.

CA No. 5:19-CV-262-BO

DECLARATION OF GILDA A. HERNANDEZ

I, Gilda A. Hernandez, hereby declare as follows:

1. I am an attorney licensed to practice law in the Eastern District of North Carolina. I represent Plaintiff Joseph Davis (“Plaintiff”) in the above-captioned action. I make this declaration upon personal knowledge.

2. This action was commenced by Plaintiff against Defendant Stephen Narron (“Defendant”) on June 27, 2019.

3. On July 18, 2019, and pursuant to Fed. R. Civ. P. 4(e)(2)(a) and (c), copies of the Complaint, Exhibit A, Exhibit B, Civil Cover Sheet, Summons, and a List of Certified Mediators were properly served on Defendant Stephen Narron via USPS Priority Mail Service. On July 29, 2019, Plaintiff’s counsel filed the Affidavit of Service the Court using the CM/ECF system.

4. An Answer to Plaintiff’s Complaint by Defendant was due on August 8, 2019, pursuant to Rule 4(d)(3) of the Federal Rules of Civil Procedure.

5. Defendant has failed to plead or otherwise respond to Plaintiff’s Complaint within the period allowed, nor have they requested an extension of time to respond.

6. Defendant is neither an infant, incompetent person, nor member of the military

service of the United States.

7. I have advised and represented Plaintiff in connection with the above-captioned action.

8. The services performed for or on behalf of Plaintiff in this action involved conferences and interviews; drafting and preparation of tolling agreement, settlement agreement, pleadings, exhibits and other documents; and legal and factual research.

9. After discussing with Plaintiff his rate of pay, best estimate of weekly hours worked, and number of weeks worked, I calculate that the total amount owed to Plaintiff comes to approximately \$272, 751.84. *See Exhibit B – Calculation of Plaintiff's Damages.* However, in a good faith effort to reach a pre-suit settlement negotiation, Plaintiff had agreed to a total of \$75,000.00. Since Defendant has failed to answer or otherwise respond to Plaintiff's complaint, Defendant is liable for an outstanding balance of \$272,751.84 relating to Plaintiff's unpaid wages.

10. My Firm total fees for the prosecution of the case are \$15,964.50. The fees include 4.6 hours of attorney work at the rate \$650.00 per hour, 43.5 hours of attorney work at the rate of \$275.00 per hour, 4.4 hours of paralegal work at the rate of \$190.00 per hour, and 1.6 hours of paralegal work at the rate of \$110.00 per hour. The total expenses in the case are \$442.80. Thus, Defendant is liable for an outstanding balance of \$16,407.30 relating to the attorneys' fees and expenses incurred in pursuing Plaintiff's unpaid wages.

11. The fees charged herein are those customarily charged in this area for the same or similar services by attorneys with similar experience, reputation, and ability, considering the nature of the controversy. These rates have been approved by other federal courts in North Carolina.

FURTHER THE AFFIANT SAYETH NOT,

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this September 27, 2019.

By: /s/ Gilda Adriana Hernandez
Gilda A. Hernandez (NCSB No. 36812)
Charlotte C. Smith (NCSB No. 53616)
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